

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

TIMMIE BROWN, JR.,

Plaintiff,

Case No. 16-1252

v.

DIVERSIFIED CONSULTANTS, INC.

Defendant.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, defendant, Diversified Consultants, Inc. (DCI), hereby removes this action from the Circuit Court of Jackson County-Kansas City, Associate Circuit Division, State of Missouri, to the United States District Court for the Western District of Missouri. In support of this Notice of Removal, DCI states as follows:

1. On October 19, 2016, plaintiff, Timmie Brown, Jr. (“Plaintiff”), commenced a civil action in the Circuit Court of Jackson County-Kansas City, Associate Circuit Division, State of Missouri, entitled and captioned *Timmie Brown, Jr. v. Diversified Consultants, Inc.*, Case No. 1616-cv-25514 (hereinafter the “State Court Action”). No further proceedings before the State Court have occurred.

2. In the State Court Action, plaintiff alleges statutory causes of action against DCI under the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692, *et seq.* A true and correct copy of plaintiff’s Complaint is attached hereto as Exhibit “A.” Therefore, this Court has jurisdiction over the State Court Action pursuant to 28 U.S.C. §

1331 because plaintiff's Complaint alleges a cause of action arising under the laws of the United States. Because plaintiff affirmatively alleges violations of the FDCPA, the Complaint asserts a federal question under 28 U.S.C. § 1331 and is removable pursuant to 28 U.S.C. § 1441.

3. On November 9, 2016, DCI was served with a copy of the Summons and Complaint.

4. The time within which DCI is required by the laws of the United States, 28 U.S.C. § 1446(b), to file this notice of removal has not yet expired. This Notice of Removal is timely, having been filed within 30 days of the date on which DCI was served with plaintiff's Complaint in the State Court Action. *See* 28 U.S.C. § 1446.

5. The Circuit Court of Jackson County-Kansas City, Associate Circuit Division, State of Missouri is located within the United States District Court, Western District of Missouri. Therefore, venue for purposes of removal is proper pursuant to 28 U.S.C. § 89(b) because the United States District Court for the Western District of Missouri embraces the place in which the removed action was pending. 28 U.S.C. § 1441(a).

6. Written notice of this Notice of Removal of this action is being immediately provided to the Circuit Court of Jackson County-Kansas City, Associate Circuit Division, State of Missouri. *See* Exhibit "B" attached hereto.

7. Written notice of this Notice of Removal of this action is being caused to be served on the plaintiff.

WHEREFORE, Defendant, Diversified Consultants, Inc., gives notice that this action is removed from the Circuit Court of Jackson County-Kansas City, Associate Circuit Division, State of Missouri, to the United States District Court for the Western District of Missouri.

Dated: November 29, 2016.

Respectfully Submitted,

/s/ Matthew R. Brunkhorst

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*Attorneys for Defendant Diversified
Consultants, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2016 a copy of the foregoing was served electronically via CM/ECF on the following:

Ryan M. Callahan, Esq.
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/s/ Matthew R. Brunkhorst

*Attorney for Defendant Diversified
Consultants, Inc.*